

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/002448

International filing date (day/month/year)
10.03.2004

Priority date (day/month/year)
04.04.2003

International Patent Classification (IPC) or both national classification and IPC
A63C17/06, A63C17/22

Applicant
M.G.M SPA

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/EP2004/002448

JC20 Rec'd PCT/PTO 23 SEP 2005

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/002448

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|-----|
| Novelty (N) | Yes: Claims | 1-4 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-4 |
| Industrial applicability (IA) | Yes: Claims | 1-4 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP04/02448

JC20 Rec'd PCT/PTO 23 SEP 2005

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: DE-U-298 00 288
D2: US-B-6 340 164

1. Lack of inventive step, Art 33(1) and 33(3) PCT

- 1.1 The present application does not meet the requirements of Article 33(1) PCT because the subject-matter of claims 1-4 does not involve an inventive step in the sense of Article 33(3) PCT.

The prior art disclosed by the applicant discloses:

an in-line roller-skate for racing with a footwear, chassis and wheel, three wheels being oversized and the second wheel from the front having a smaller diameter. The footwear having two binding points being in the proximity of the heel and of the ball of the foot (see Fig. 1).

- 1.2. Document D1 = DE-U-298 00 288 discloses the same even though the size of the wheels is different.
- 1.3. The in-line skate according to claim 1 differs from this prior art in that all wheels are oversized (bigger than 84 mm) and that the second binding point is in the proximity of the toes.
- 1.4. The problem to be solved can therefore be regarded as enabling all wheels to be oversized without making the distance between the foot and the ground bigger.
- 1.5. Document D2 = US-B1-6 340 164 discloses an in-line skate with the attachment between the footwear and chassis being positioned between the wheels in order to maximize the size of the wheels while minimizing the distance between the foot and the ground.
- 1.6. It is therefore considered obvious to the man skilled in the art faced with the problem of paragraph 1.3. to use document D2 or common sense and place the binding points between the footwear and the chassis between the wheels.
- 1.7. It is furthermore considered obvious that a placement of the binding points between the wheels will make it possible to have the foot at a smaller distance

from the ground than when the binding points are above the wheels. The reason this was not made before was in order to keep the same distance between the connections in order to being able to combine different footwear with different frames.

- 1.8. Thus, the subject-matter of claim 1 does not involve an inventive step as required by Articles 33(1) and 33(3) PCT.
- 1.9. The additional features of dependent claims 2-4 only concern minor modifications, which must be regarded as normal design steps for the person skilled in the art. A combination of any of the features of dependent claims 2-4 with claim 1 would not appear to add anything inventive (Article 33(3) PCT) and therefore does not seem to form a suitable basis for a new allowable claim.